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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

THIRD APPELLATE DISTRICT

(Shasta)

THE PEOPLE,

Plaintiff and Respondent,

v.

BOBBY EDWARD LEWIS,

Defendant and Appellant.

C039285

(Super. Ct. No. 01F2976)

Defendant Bobby Edward Lewis pleaded guilty to second degree robbery.¹ In exchange, a count of attempted robbery² was dismissed. The trial court sentenced defendant to state prison for two years, awarded him 128 days of custody credit and 19 days of conduct credit, and ordered him to pay a \$400

¹ Penal Code sections 211, 212.5, subdivision (c). Undesignated section references are to the Penal Code.

² Sections 211, 664.

restitution fine³ and a \$400 restitution fine suspended unless parole is revoked.⁴

We appointed counsel to represent defendant on appeal. Counsel filed an opening brief that sets forth the facts of the case and requests this court to review the record and determine whether there are any arguable issues on appeal.⁵

Defendant filed a supplemental brief contending his plea was involuntary due to ineffective assistance of counsel. He claims his trial counsel failed to advise him that sections 667.5, subdivision (c)(9) and 2933.1 limit his presentence conduct credits to 15 percent. Had he been so advised, he would not have pleaded and would have taken his case to jury trial.

Defendant's contention concerning counsel's ineffectiveness challenges the validity of the plea and cannot be raised without a certificate of probable cause.⁶ Having failed to obtain a certificate of probable cause, defendant cannot raise grounds challenging the validity of the plea.

³ Section 1202.4.

⁴ Section 1202.45.

⁵ *People v. Wende* (1979) 25 Cal.3d 436.

⁶ Section 1237.5; *People v. Mendez* (1999) 19 Cal.4th 1084, 1098-1099; *People v. Panizzon* (1996) 13 Cal.4th 68, 74-76.

Having undertaken an examination of the entire record, we find no arguable error that would result in a disposition more favorable to defendant.

DISPOSITION

The judgment is affirmed.

DAVIS, J.

We concur:

BLEASE, Acting P.J.

NICHOLSON, J.